

Objection to Drawings

Figures 6 and 7 were objected to for poor quality. Replacement Figures 6 and 7 of better quality will be filed under separate cover shortly.

Claim Objection

Claims 1 and 9 were objected to for containing non-elected subject matter. The non-elected subject matter has been deleted from claim 1 and claim 9 has been canceled. The claim objection is believed rendered moot.

Claim Rejection -- 35 U.S.C. 112, Second Paragraph

Claims 1, 3, 4, 6 and 8-12 were rejected as indefinite because, according to the Office Action, the claims recite that TGF β 1 can be something other than a polypeptide. The claims have been amended to recite that "TGF β 1" is a polypeptide in order to remove non-elected subject matter in accordance with the restriction requirement. Withdrawal of the indefinite rejection is requested.

Claim Rejection -- 35 U.S.C. 112, First Paragraph

A. Claims 1, 3, 4, 6 and 8-12 were rejected because the Office Action asserts that the disclosure in the application does not adequately describe all the derivatives and functionally equivalent substances used in the claimed method. Since the claims have been amended to recite only the elected subject matter, i.e. wherein "TGF β 1" is a polypeptide, this written description requirement is believed rendered moot.

B. Claims 1, 3, 4, 6 and 8-12 were rejected as not enabled for the full scope of the claims. The Office Action asserts that, while the claimed method is enabled involving the use of TGF β 1, it is not enabled for a TGF β 1 derivative or functionally equivalent substance. The claims have been amended by deletion of non-elected subject matter. Applicants submit that all the pending claims are enabled.


Withdrawal of the rejections under 35 U.S.C. 112, first paragraph, is requested.

Conclusion

In view of the amendment and the above reasoning, applicants submit that the application is in a condition for allowance. A Notice of Allowance is believed in order.

In the event that the filing of this paper is not deemed timely, applicants petition for an appropriate extension of time. Any petition fee for the extension of time and any other fees that may be required in relation to this paper can be charged to Deposit Account No. 01-2300, referencing Docket No. 025896-00002.

Respectfully submitted,



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Enclosure: Appendix

KLW:elp

APPENDIX

Pursuant to 37 CFR 1.121, a marked up version of the amendment is presented.

The Specification

Please amend the 4th to 9th lines from the bottom of page 16 as shown below.

for example electronic devices. For example the public database "Medline" may be utilized which is available on the Internet[, e.g. under <http://www.ncbi.nlm.nih.gov/PubMed/medline.html>.] at the website of the National Library of Medicine, National Institutes of Health, Bethesda, Maryland, U.S.A. Further databases [and addresses], such as [<http://www.ncbi.nlm.nih.gov/>, <http://www.infobiogen.fr/>, http://www.fmi.ch/biology/research_tools.html, <http://www.tigr.org/>,] databases at the websites of the National Center for Biotechnology Information, National Library of Medicine, National Institutes of Health, Bethesda, Maryland, U.S.A.; Centre de Ressources, INFOBIOGEN, France; Friedrich Miescher Institute, Novartis Research Foundation, Basel, Switzerland; and The Institute for Genomic Research, Rockville, Maryland, U.S.A., are known to the person skilled in the art and can also be obtained from the Internet [using, e.g., <http://www.lycos.com>].

IN THE CLAIMS

Please amend claim 1 as set forth below.

1. (Amended) A method for enhancing arteriogenesis and/or the growth of collateral arteries and/or other arteries from preexisting arteriolar connections comprising contacting an organ [organs], tissue or cells with transforming growth factor

beta 1 (TGF β 1) [and/or a nucleic acid molecule encoding], wherein said TGF β 1 is a
polypeptide.